



California Regional Water Quality Control Board

Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Linda S. Adams
Agency Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger
Governor

October 16, 2008

Mr. Benny Dehghi
Remediation & Evaluation Services Manager
Honeywell International Inc.
2525 West 190th Street
Torrance, CA 90505

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Claim No. 7007 2560 0001 7888 9363

**RESPONSE TO REQUEST FOR ALLEGED VIOLATION REVIEW – HONEYWELL INTERNATIONAL INCORPORATED, GROUNDWATER REMEDIATION SYSTEM FACILITY, 1733 WEST ARTESIA BOULEVARD, GARDENA, CA.
(ORDER NOS. 97-022 AND R4-2004-0030, NPDES PERMIT NO. CA0062162, CI NO. 7015)**

Dear Mr. Dehghi:

Thank you for your letter dated September 16, 2008, responding to the August 29, 2008 Settlement Offer No. R4-2008-0045-M, which assessed mandatory minimum penalties (MMPs) for violations of effluent limitations. This letter addresses your comments in this regard.

First, the Regional Board has determined that the two (2) mass-based effluent limit violations for BOD₅ on June 30, 2004 and the monthly average effluent limit for copper on November 30, 2007 were below the permit limits. This determination has been verified with the Regional Board staff and the invalid violations will be expunged from the CIWQS database. You are hereby notified that the two (2) effluent limit violations for BOD₅ on June 30, 2004 and the one (1) effluent limit violation for copper on November 30, 2007 cited in Settlement Offer No. R4-2008-0045-M are hereby rescinded.

Second, in response to the tetrachloroethylene effluent limit violations for March 17, 2005 and November 29, 2006, tetrachloroethylene was reported as being present in the effluent on March 17, 2005 and November 29, 2006 at a concentration of 5.7 µg/L, which is above the effluent limit of 5 µg/L contained in Board Order No. R4-2004-0030. The Permittee's consultant asserted that the two exceedances for tetrachloroethylene (a Group II pollutant) would not be considered serious violations subject to mandatory penalties pursuant to California Water Code (CWC) section 13385(h)(1) as they did not exceed the permit by more than 20 percent. However, the Permittee did violate effluent limits on more than (3) occasions in six (6) consecutive months preceding the November 29, 2006 daily maximum effluent limit violation for tetrachloroethylene (see attachment Exhibit "A"), thereby causing the violation to be classified as a chronic violation and as such it is subject to mandatory minimum penalties of three thousand dollars (\$3,000) pursuant to CWC section 13385(i)(1). Therefore, Regional Board staff cannot agree with the

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Mr. Benny Dehghi
Honeywell International Inc.

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October 16, 2008

Permittee's assertion that the November 29, 2006 exceedance event should be removed and disallowed.

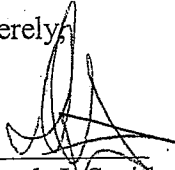
You are hereby notified that, based on your September 16, 2008 submittal to the Regional Board, the three (3) effluent violations for BOD₅ and copper are hereby rescinded. However, the effluent limit violations noted in the August 29, 2008 Settlement Offer No. R4-2008-0045-M Notice of Violation (NOV) attached as Exhibit "A" remain.

Since the Permittee requested a review of this violation, the Regional Board has established new deadlines. If you intend to participate in the Expedited Payment Program, you must sign and return the previously sent Acceptance of Conditional Resolution and Waiver of Right to Hearing form by **November 17, 2008**. By signing the Acceptance and Waiver, Honeywell Incorporated agrees to pay the penalty as indicated on the amended Exhibit A – Notice of Violation and waives the right to a hearing.

If you do not elect to sign the Acceptance and Waiver, you will be contacted regarding formal enforcement action that will be initiated with regard to the contested violation.

If you have questions regarding this matter, please contact Mr. Hugh Marley at (213) 620-6375 or Ms. Mercedes Merino at (213) 620-6369.

Sincerely,



Deborah J. Smith
Chief Deputy Executive Officer

Enclosures:

Amended Exhibit "A" - Notice of Violation

cc: Taryn Stokell, Office of Enforcement, State Water Resources Control Board

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Revised Settlement Offer No. R4-2008-0045-M
CI No. 7015, NPDES Permit No. CA0062162

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER**

Honeywell International Incorporated
REVISED SETTLEMENT OFFER NO. R4-2008-0045-M
NPDES Permit No. CA0062162

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Los Angeles Regional Water Quality Control Board (Regional Board), Honeywell International Incorporated (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Board to dispute the allegations of violations described in the Notice of Violation (NOV), which is attached hereto as Exhibit "A" and incorporated herein by reference.

The Permittee agrees that the NOV shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Regional Board to assert jurisdiction over the alleged violations through its Executive Officer. The Permittee agrees to pay the penalties required by California Water Code section 13385, in the sum of \$72,000 (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV. The Permittee understands that this Acceptance and Waiver waives the Permittee's right to contest the allegations in the NOV and the amount of civil liability for such violations.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NOV.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

Mercedes Merino, Enforcement Unit
Expedited Payment Program
Regional Water Quality Control Board, Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, California 90013

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Regional Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that cause the Regional Board Executive Officer to question the Expedited Payment Amount, the Regional Board Executive Officer will execute the Acceptance and Waiver.

Revised Settlement Offer No: R4-2008-0045-M
CI No. 7015, NPDES Permit No. CA0062162

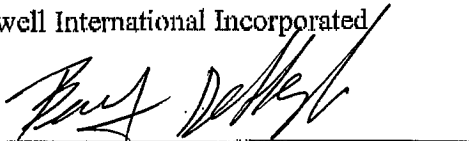
The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Board to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee further understands that once the Acceptance and Waiver is executed by the Regional Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13385(n)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Furthermore, in accordance with California Water Code section 13385.1(b)(1), funds collected pursuant to section 13385.1 for failure to timely file a report shall be deposited in the Waste Discharge Permit Fund. Accordingly, the \$72,000 liability shall be paid by a cashier's or certified check for \$72,000 made out to the "State Water Pollution Cleanup and Abatement Account". The payment must be submitted to the Regional Board no later than ten (10) calendar days after the date the Permittee receives written notice that the Regional Board Executive Officer has executed this Acceptance and Waiver.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

Honeywell International Incorporated

By:


(Signed Name)

11/17/2008

(Date)

Benny Dehghi

(Printed or typed name)

Manager, Remediation & Evaluation Services

(Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

Date: _____

By: _____

Tracy J. Egoscue
Executive Officer

[illegible]